



Delaware Thoroughbred Racing Commission
Minutes of Meeting & Public Hearing
November 6, 2007

The Delaware Thoroughbred Racing Commission held a regular meeting and public hearing on November 6, 2007, at 10:00 AM, in the second floor conference room of the Horsemen's Office, Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Edward Stegemeier, Commissioner

The following commission members were excused:

Henry J. Decker, Commissioner
Debbie Killeen, Commissioner

The following individuals also were present:

John F. Wayne, DTRC Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Barbara Gadbois, Esq. Deputy Attorney General, Stewards' Counsel
John T. Peters, D.V.M., DTRC, Supervising Commission Veterinarian
Kathleen Picciano, DTRC, Associate Commission Veterinarian
Francis J. Swift, DTRC, Inspector
Shelley Perkins, DTRC, Paralegal (recording minutes)
G. Jack Houghton, Jr., DTRC, Chief Steward
Frederick Burkhardt, DTRC, Associate Steward
Dennis Lima, DTRC, Associate Steward
Joseph Rudisill, Delaware Park, Sr. Vice President of Compliance
Greg Petkiewicz, Delaware Park, Sr. V.P., Race Track Operations
Ismael Trejo, Delaware Park, Racing Secretary
Margie Stallings, Delaware Park, Assistant Racing Secretary
Bridget McFadden, Delaware Park, Racing Official
Scott Peck, DTHA, President
Bessie Gruwell, DTHA, Executive Director
Michael Petro, Owner/Trainer, Appellant
Scott A. Lake, Owner/Trainer, Witness/Interested Party
Steve Klesaris, Owner/Trainer
Gary Katz, Owner/Trainer
Court Reporter, Wilcox & Fetzer, Recording Testimony

1. **WELCOME AND CALL TO ORDER**

Chairman Daney called the meeting to order at 10:05 AM and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Patterson) and seconded (Stegemeier) minutes from October 23, 2007 were approved as submitted.

3. **HEARING ON APPEAL**

A. **Michael Petro (ADT-R621-2007)**

- Hearing testimony recorded by Wilcox & Fetzer.
- At approximately 10:40 AM the hearing was closed and the court reporter was excused.
- Chairman Daney concluded that the commission would take the matter under advisement.

4. **OLD BUSINESS**

No old business was reported

5. **NEW BUSINESS**

A. **Delaware Jockeys' Health & Welfare Benefit Board**

Upon a motion duly made (Stegemeier) and seconded (Patterson) the request by the DTHA to replace board member Mr. Michael McCarthy with Ms. Bessie Gruwell is passed.

6. **REPORT FROM EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director, John F. Wayne, submitted the Summary of Activities Report for October 2007.

• **Mid-Atlantic Medication Committee**

On October 4, 2007, at the National Steeplechase Association offices in Fair Hill, Maryland, the Mid-Atlantic Medication Committee was joined by horsemen's representatives from several jurisdictions to discuss the implementation of the Anabolic and Androgenic Steroid ban scheduled to take place nationally by early 2008. A consensus of the group agreed that for the ban to take place it would have to be a Mid-Atlantic project and not an individual jurisdictional matter. Penalties were discussed and agreed that sanctions had to be serious in nature to act as an effective deterrent.

Penalty scenarios of 45-day suspension, a \$1,000 fine, and loss of purse for a first offense; 90-day suspension, \$2,500 fine, and loss of purse for a second offense; license revocation for a third offense were discussed. The group also discussed the financial impact of having to purchase a Triple Quadrupole LC MS MS instrument (\$550,000.00) and hire a chemist (\$75,000.00) and support staff (\$25,000.00) for the program. Consideration of doing random sampling was discussed with the jurisdictions sending their samples to the four existing laboratories that have the capability to confirm the presence of anabolic and androgenic steroids. When other laboratories become able to confirm, they will be added to the list.

Attendees were disappointed that no one attended the meeting from the Delaware Thoroughbred Horsemen's Association (DTHA). Mr. Wayne noted that Mr. Alan Foreman, legal counsel for the DTHA and other horsemen's associations (Maryland, Virginia, New Jersey, New York) was present at the meeting along with the two HBPA affiliated delegates from eastern and western Pennsylvania.

6. **REPORT FROM EXECUTIVE DIRECTOR – Continued**

A. **Summary of Activities Report**

• **Romanian Delegation**

On Sunday, October 21, 2007, Mr. Wayne was present at Delaware Park to greet the Romanian delegation that accompanied Secretary of Agriculture, Michael T. Scuse. With the assistance of Delaware Park Vice President of Racing Operations, Mr. Greg Petkiewicz, the delegation was given a comprehensive tour of the racing facility, stables, starting gate, grandstand, and shown the integration of video lottery terminals and racing. Mr. William Fasy was thanked for making the arrangements possible.

7. **REPORT FROM SUPERVISING COMMISSION VETERINARIAN**

Supervising Commission Veterinarian, Dr. John T. Peters, thanked everyone for a successful season; commenting that we've had a good year. Dr. Peters reminded the horsemen to keep vaccinations current; disease has no boundaries and prevention is a must.

A. **2007 Breakdown/Injury Statistics**

Commission Veterinarian, Dr. Kathleen Picciano, presented final 2007 Breakdown/Injury Statistics.

- Felt the track was very safe and in great shape. Commissioner Patterson commented to Dr. Picciano that he'd heard people weren't happy with the track and asked Dr. Picciano what she would attribute the discrepancy to. Dr. Picciano stated it's different than nearby tracks and that she advises trainers to make adjustments. Dr. Picciano asked that private veterinarians turn-in anonymous injury reports – this year only one came in.
- Decrease in breakdowns and injuries from previous years.
- National rate 1.0 – 1.20 and our rate is 1.0 – 1.17.

B. **American Association of Equine Professionals (AAEP)**

Dr. Picciano will be attending the AAEP Convention in Orlando, Florida, and will present a report to the commission at their meeting in January 2008.

8. **REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION**

A. **Delaware Certified Report**

- 608 Delaware Starters
- 62 Delaware Farms
- 90 Wins; 87 2nd Place; 102 3rd Place
- \$687,418.00 Paid Out

B. **Winter Stabling**

530 horses have requested stalls – trainers haven't turned in checks – truly around 500 stabling. Last year was 350 – 410 horses last winter. Cost \$8/horse of which the Trainer pays \$5 and the DTHA pays \$3.

9. **PUBLIC COMMENT**

Chairman Daney recognized the following people in attendance and asked for comments on the 2007 season.

A. **Greg Petkiewicz, Delaware Park, Sr. V.P., Race Track Operations**

- Dr. Peters and his staff have been very professional throughout the year and provide us with information about the racetrack and we appreciate that very much.
- The stewards have always been friends of Delaware Park and very hard working.
- Mr. Wayne and Miss Perkins have been terrific and without their help we wouldn't be able to put on the program that we do.
- Thank you also extended to Mr. Tom Moran, with New Castle County, for their continued support and help. *(letters from the DTRC and Delaware Park were sent out to thank DNREC for their efforts)*

9. **PUBLIC COMMENT - Continued**

B. **Ismael Trejo, Delaware Park, Racing Secretary**

- Thanked everyone for helping him during his inaugural season.

C. **G. Jack Houghton, Jr., DTRC, Chief State Steward**

- Stewards are very pleased with the season and thank Steward's Counsel, Barbara Gadbois, Esq., for her support.
- Racing Secretary, Ismael Trejo, did an excellent job.
- Need to change Claiming Rule 13.16.1.

D. **Scott Peck, President, Delaware Thoroughbred Horsemen's Association**

- Mr. Peck reported no problems.

E. **Joe Rudisill, Delaware Park, Senior Vice President of Compliance**

- Reported that he was looking forward to the winter stabling and the 2008 season.

9. **EXECUTIVE SESSION**

At 11:14 AM, upon a motion duly made (Patterson) and seconded (Stegemeier) the commission moved into Executive Session to discuss ongoing investigations.

At 11:21 AM, the commission was returned to public session.

10. **HEARING ON APPEAL**

A. **Michael Petro (ADT-R621-2007)**

Appeal Denied – Stewards' Ruling Stands

- Commissioner Patterson: votes to uphold Stewards' ruling.
- Commissioner Stegemeier: votes to uphold Stewards' ruling.
- Chairman Daney: votes to uphold Stewards' ruling.

11. **ADJOURN**

Upon a motion duly made (Patterson) and seconded (Stegemeier) the meeting was adjourned at 11:42 AM.